Secdl. II-27—58,004—2-10-47.

Development (1949) Department.

Ms. SERIES.

G.O. NO. 1331

Dated 14-3-49

[Despatch Abstract.]

Agri- stations — South Kanara Paady Breeding Station, Jeppinamogar Village, Mangalore Taluk — Acquisition of lands — A.S. Nos 608 & 679/46 in the Madras High Court — Additional expenditure — Sanctioned

C.F. 32.

100690
20.9.48

Judicial Department

Received Registered

From (Name)
Sri K.Kuttikrishna Menon,
Designation
Government Pleader,
Station
Madras.

To
The Secretary to Government,
Development Department,
Fort St. George,. Madras.

ASSISTANT SECRETARY TO GOVERNMENT DEVELOPMENT DEPARTMENT 20 SEP 1948

Enclosures:

No. 939 dated 17th Septr. 1948.

Sir, Suits - Agricultural department - Land Acquisition-(South Kanara) - Madras High Court - A.+S.Nos.608 and 679/46 - Paddy breading Station, Mangalore.

Ref: G.O.Mis.No. 1555, Development, dated 9th April 1947.

The above appeals came up for hearing before The Chief Justice and Panchapakesa ayyar J. on 16-9-48 when their Lordships modified the decrees of the lower court by allowing compensation calculated on the basis of the price of a mura of rice being Rs.10/- and the rent of the dry land being Rs.75/- an acre. Parties were directed to give and take proportionate costs.

Yours faithfully,

K Kuttikrishna Menon
17.9.48

Government Pleader.

Copy to the Director of Agriculture, Madras.
Copy to the Collector of South Kanara.

Dev. Dept.

Memo.No.100690AII/48- 1 dated 6-10-48.

Sub:- Suits- Agrl Dept- Land Acquisition- South Kanara- Madras High Court- Poultry Breeding Station, Mangalore- A.S.Nos.608 and 679/46- in Madras High Court Judgment- Breeding Station, Mangalore. Report

Collector

Refce: (1) From the South Kanara letter No. B.1.3913/47 dated 17-4-47.

(2) From the Govt. Pleader No.939 dated 17-9-48.

The attention of the Collector of South Kanara is invited to the letter 2nd cited and he is requested to report through the D.A. the financial implications involved on account of the modifications by High Court of the decrees of the Subordinate Judge, South Kanara in the LA proceedings mentioned above.

2. The D.A. is requested to apply for Govt. sanction to meet the additional expenditure if any involved on account of the decision of the High Court

P.T.O

reported by the Govt. Pleader.

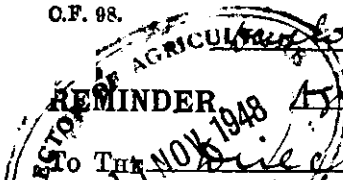
To
The Collr of S. Kanara
The D.A.

A 5

O.F. 98.

DEPARTMENT.

REMINDER Agricultural Branch.



To THE Director of Agriculture
Madras

I have the honour to invite
I am directed to invite attention to Govt Memo
invite

No. 100690 A4/451, dated 6/6/48 and

~~I am to request that the reply to it may be expedited~~
request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is,
(2) the date by which a reply may be expected, and
(3) the circumstances which have caused the delay.

Office Secy Dept

Station Madras

Dated 8/11/48

Signature,
for Secretary to Govt
Designation.

SUBJECT

Suits — Agrl. Dept-Land acquisition — South Kanara Paddy Procurement Station Mangalore — A.S. No. 608 [illegible] 679/46 [illegible] P.T.O.
in the High Court Judgment

REPLY.

To The Secretary Development Department Fort St George

125999

Madras

The Report of the S. Kanagaraja Collector of Trichinopoly is herewith returned.

Ayyakkannu 29/11/47

for Director of Agriculture

W/I 4/11

28-11

DW Dept

N.R. 29/12/47

29.12.47

29/12/47

T.C.A.

C.F. 32.

Judicial Department

From (Name) Sri K.Kuttikrishna Menon,
Designation Government Pleader,
Station Madras.

Received ..... Registered .....
No. 136423

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

Enclosures:

No. 1290 dated 17th December 1948.

Sir,

Suits - Agricultural department - Land Acquisition-(S.Kanara) - Paddy breading station, Mangalore - Madras High Court - A.S.Nos. 608 & 679/46 - Result - Copy of judgment - forwarded.

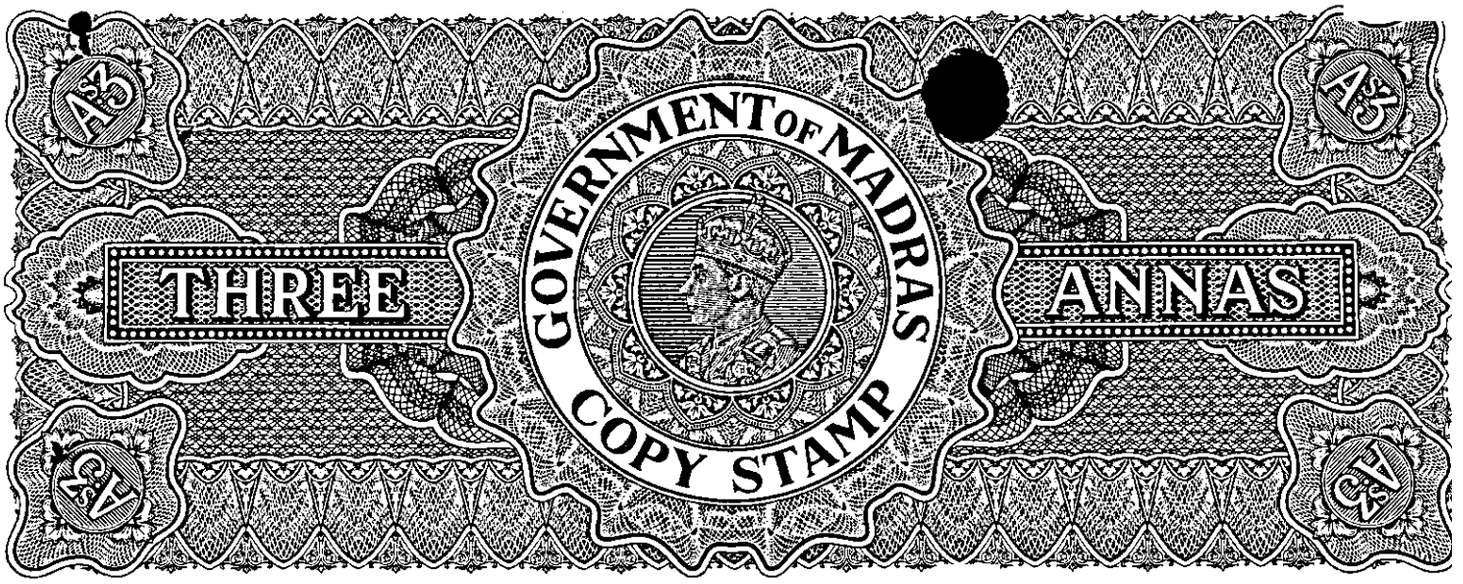
My letter No. 939, dated 17th Septr. '48.

A certified copy of the judgment of the High Court in the above appeals is herewith forwarded.

Yours faithfully,

K. Kuttikrishna Menon

Government Pleader. 17.12.48



IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Thursday, the sixteenth day of September
One thousand nine hundred and forty eight:-

Present:-

The Honourable Mr. P.V.Rajamannar, Chief Justice
and
The Honourable Mr. Justice Panchapakesa Ayyar.

Appeals Nos. 608 and 679 of 1946.

Sri Lakxmi Narasimha Devaru by
adalthedar or Trustee M.Narayana Acharya
Appellant in A.S.No. 608
of 1946 (claimant)

Manuel Raghunatha Nayak
Appellant in
A.S.No. 679 of 1946
(1st Respondent)

1. Revenue Divisional Officer
Mangalore (Land Acquisition Officer)
2. The Collector of South Kanara ... Respondents in both
(Petitioner and
2nd Respdt)

Appeals against the decrees of the Court of the Subordinate Judge of south Kanara dated 28-2-1946 and respectively passed in L.A.C.Nos. 15 and 13 of 1945.

These appeals coming on for hearing, the Court delivered the following JUDGMENT:-

(Judgment delivered by the Hon'ble the Chief Justice)

These two appeals arise out of two, among other references, made to the court of the Subordinate Judge of South Kanara on the acquisition of about 25 acres and 10 cents of wet

176 words.
first page.
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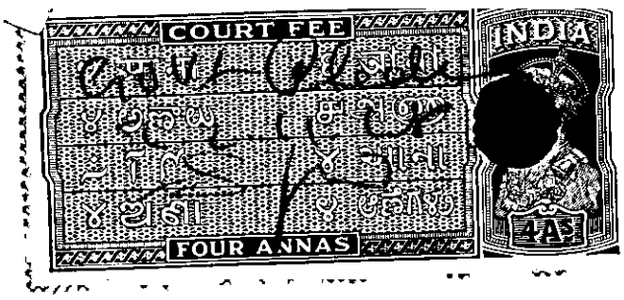
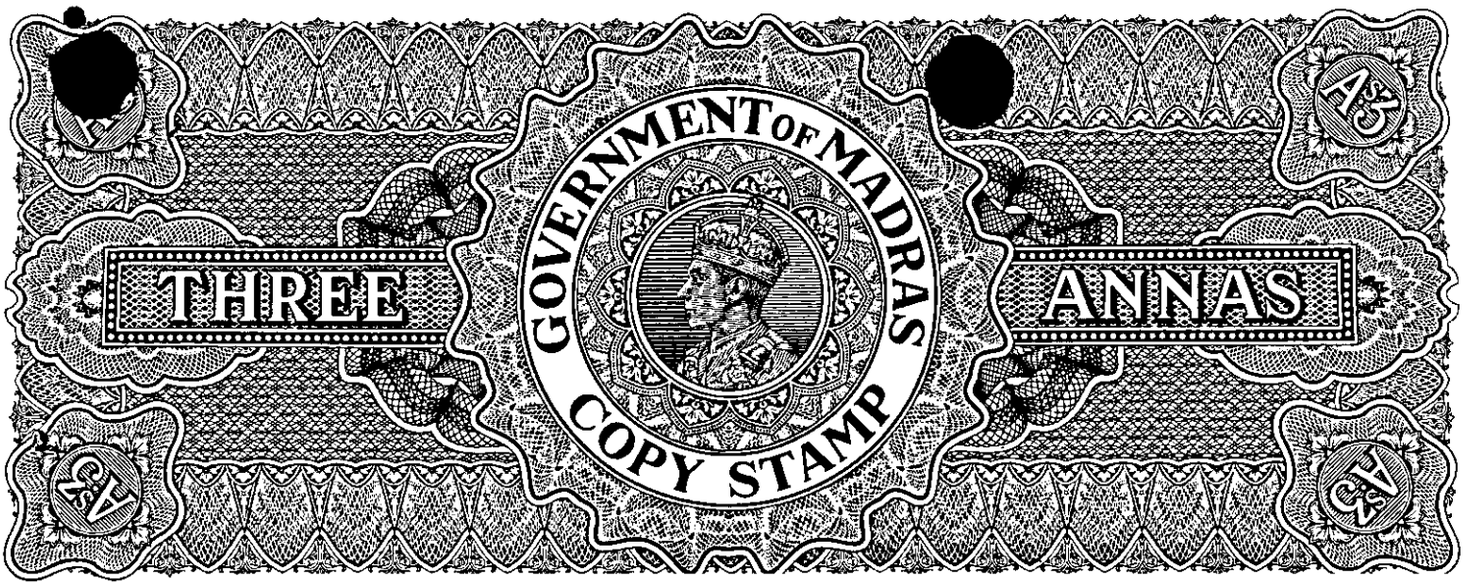


F.S. 679 (1x
27.7.5 2+17
Govt. pleader
23/11

dry and garden lands in the village of Jeppinamogru adjoining Mangalore town. The acquisition was for the Agricultural Department to open a paddy breeding station. The material notifications under section 4 (1) of the Land Acquisition Act are dated 29th June 1943 and 21st September 1943. The Land Acquisition Officer adopted the method of capitalising the annual rent of the lands for the award of compensation. The same method was followed by the learned Subordinate Judge and it is common ground before us that it was the correct method. The learned Subordinate Judge substantially accepted the award of the acquiring officer in so far as the average rent of the wet lands was concerned. but increased the price of rice from Rs. 7-4-0 Rs. 9-5-6 per mara. In respect of the garden lands, the learned Judge confirmed the award of the Land Acquisition Officer. In respect of dry lands with which we are concerned only in A.S. 679, while the land Acquisition Officer adopted a rental of Rs. 25 per acre as the annual rent for building purposes. the Court increased it to Rs. 60. The claimants have preferred the two appeals and their learned counsel has urged for a higher valuation for wet lands and the dry lands. He did not seriously contest the valuation of the garden lands

Before dealing with the valuation,

240 words.
2nd page.
TS.

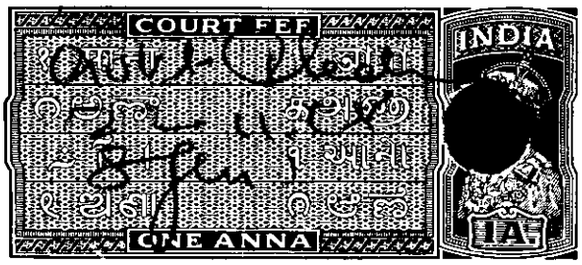


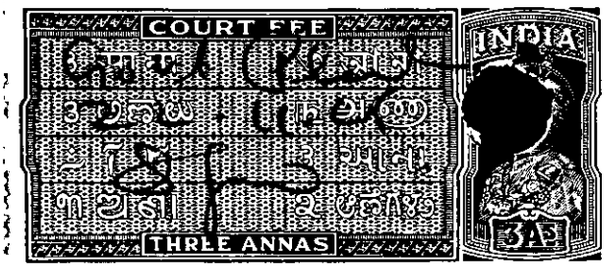
a preliminary point which arises in A.S. 608 and which found acceptance with the court below may be dealt with. The claimant filed a statement before the Land Acquisition Officer in response to a notice under section 9 of the Act in which he put forward his claim in the following manner:-

" That the valuation adopted is grossly inadequate and low considering the nature of the land, its situation yield and the disadvantages caused by the acquisition of the same to the adjoining lands of the claimant. This claimant is entitled to not less than Rs. 3000/- per acre of nâja lands and Rs. 2000/- for garden lands exclusive of the value of trees which are proposed to be acquired in this case.

The objection on behalf of the Land Acquisition Officer was that as the claimant had not mentioned a specific amount as the compensation claimed by him for his lands, he must be deemed to have not made a claim and it was not open to him to pray for any enhancement of the award

176 words.
3rd page
TS.



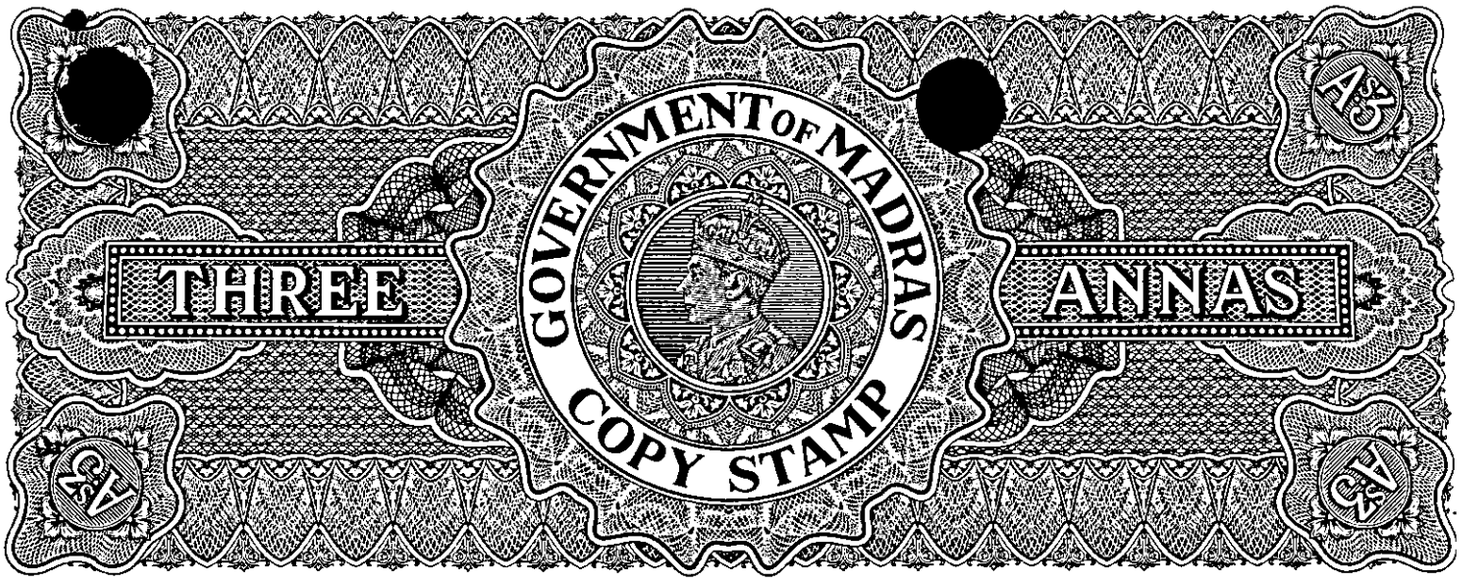


made by the Land Acquisition Officer . Reliance was placed on the ruling of a Bench of this Court in Subbanna v. District Labour Officer , East Godavari. (I.L.R. 53 Mad 533.) and following that ruling the learned Subordinate Judge upheld the contention In our opinion, the principle of that ruling does not apply to the facts of this case. In that case beyond filing certain sale deeds of neighbouring lands, the claimant did not mention the rate at which he prayed that his lands must be vabued. It was contended that the mere filing of the sale deeds amounted to making a claim for the amount which the sale deeds showed , but the learned judges refused to accept that contention. The learned Chief Justice at page 538 siad:-

" What the Act does require is that there should be a specific claim namely , a claim which states in rupees the value the claimant places upon his property "

In the present case in paragraph 10 of his petition which we have extracted above, the claimant does mention his figures for Nanja lands and for garden lands respectively. The Land Acquisition Officer himself under stood the claim to be at the said rates . We do not therefore agree with the learned Subordinate Judge that the provisions of section 9 (2) of thee Act have not been complied with and that therefore the claimant is not entitled to pray for enhancement of the award.

240 words
44h page.
TS.



In ascertaining the fair rent of the wet lands acquired.. the Land Acquisition Officer relied on the estimate made by the revenue inspector (Ex-P-6) who has been examined as P-W-1. He made the estimate taking into account the rate of assessment, the soil classification of the lands and such personal information about the nature of the lands as he could obtain on the spot. We fail to see what more he could have done in the circumstances. As against this the claimant relied upon his own statement. that the rental which his father was getting for the nanja lands was 107 murahs of rice and Rs. 119 per year. There is no documentary evidence to support this statement. The claimant could certainly have adduced better and more reliable evidence than his own oral testimony in support of his case. He produced one lease deed but admittedly that lease covers other properties besides the properties that were acquired. The claimant also deposed that in some of the lands acquired three crops were grown the first two being paddy crops ---

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5th page.
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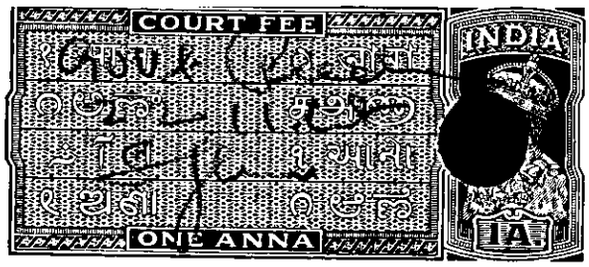
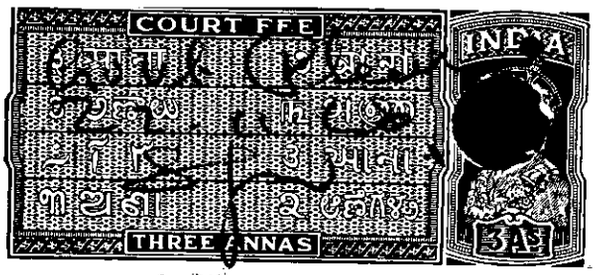


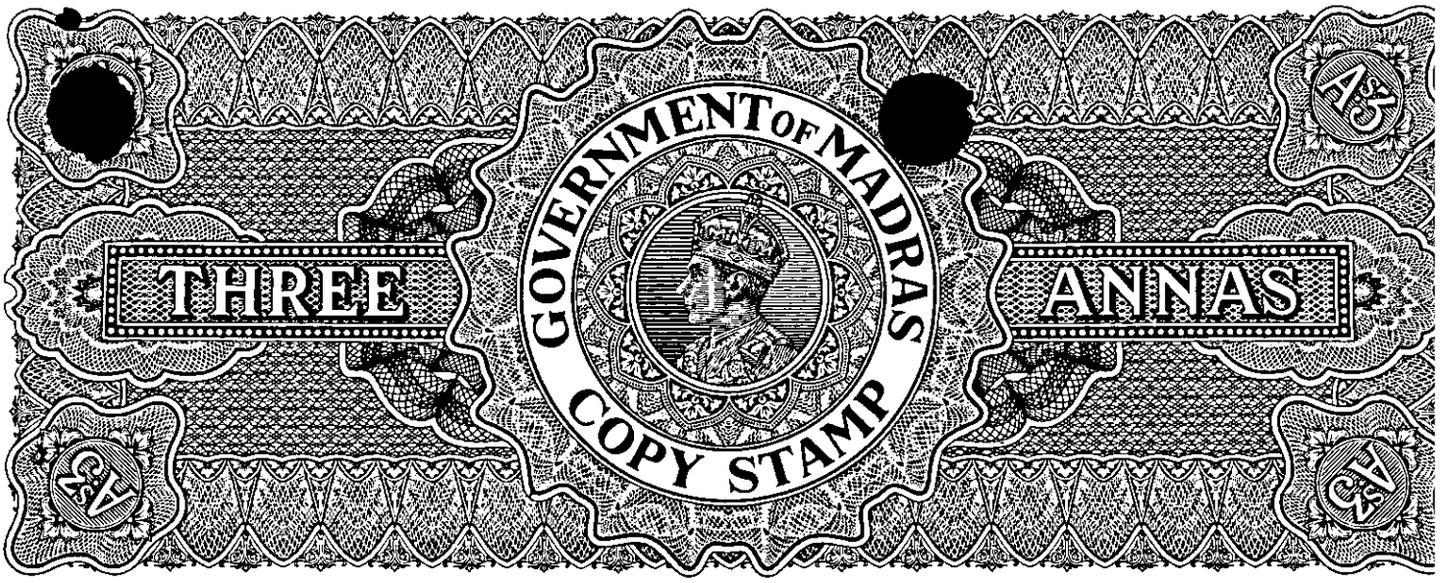


and the last generally cereal . Even as regards this, there s no reliable evidence and accurate data to fix the income. On the evidence we do not see sufficient reason to enhance the rent arrived at by the learned Subordinate Judge which itself was slightly in excess of that fixed by the Land Acquisition Officer.

The price of rice was apparently fluctuating at or about the time of the notification under section 4(1). The claimant relied upon the evidence of D.W.s 1 and 2, two merchants who spoke to prices ranging in the vicinity of Rs. 13 to Rs. 15. But as the learned judge points out, rice was being sold at abnormally high prices in consequence of hording and profiteering and the prices so obtaining could not be the basis of a fair valuation. The learned judge refers to the fixing of Rs. 10 per mura as the price of rice in November 1933, but he adopts the price given in the Gazette Extraordinary of the District on 25th March 1943 for gudda variety viz. Rs. 9-5-6 per mura. We consider that the claimant should be given the benefit of the rate at which the Government itself fixed the price in November 1943 i.e. Rs. 10 per mura.

In arriving at the compensation payable for dry lands, the Land Acquisition Officer took the average annual rental per acre at Rs. 25 per year.

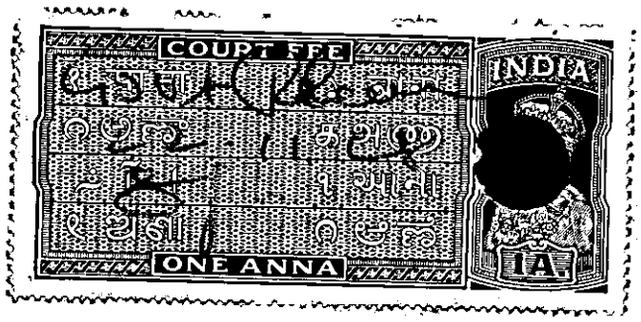
240 words.
6th page.
TS.

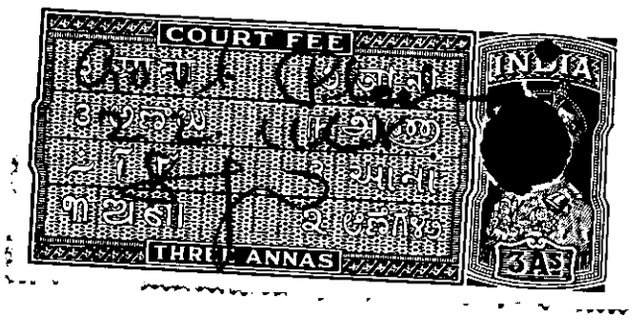


The learned judge raised it to Rs. 60 apparently on the basis of the rent of which the claimant himself had given plots in the adjoining survey numbers for the construction of 24 tenements about 12 years before the date of the acquisition For the claimant it is urged that it should be further enhanced to Rs. 100 per acre and reliance was placed on Exs.- D-7 D-8 D-9 and D-10 spoken to by D.Ws. 3 and 4. We do not think that these last transactions furnish the correct criterion as they were for small ententa of land and relate to land situate in a much better locality than the acquired lands. At the same time we are unable to uphold as reasonable the rate fixed by the learned judge. He concedes that prices have gone up considerably since the date of claimant's lease of the lands in the adjoining survey number for building purposes and the value must be determined with reference to prices

176 words.
page. 7
TS.

GLV





prevailing in June and September 1943 but he does not arrive at the conclusion which logically follows from such concession. In our opinion Rs. 75 per acre would be reasonable and proper.

The learned Subordinate Judge capitalised the net annual income at 20 years' purchase. The learned counsel for the appellants contended that the number of years purchase should be 33 1/3 relying upon the recent ruling in Radhakrishna Chettiar v. The Province of Madras (1948 2 M.L.J 159) In that case the subject matter was a site measuring 7156 Sq. Feet with a building thereon situate in Kumbakona... [illegible] that the number of years purchase to be adopted for capitalisation had to be arrived at by taking into account the interest yielded by Government securities at the time of the notification under section 4(1) of the Land Acquisition Act. One of the earlier decisions discussed therein was that of Krishnaswami Ayyangar and Horwill JJ in Revenue Divisional Officer Trichinopoly v. Varadachari (1944 I M.L.J. 142) which related to the acquisition of ryotwari land. Horwill J. who delivered the judgment of the Bench made the following observation with reference to the priciple applicable to the valuation of agricultural land:-

"Whatever may be said with regard to a melwaram interest in a zamidari land or a vacant site, it is difficult to accept

240 words.
8th page.
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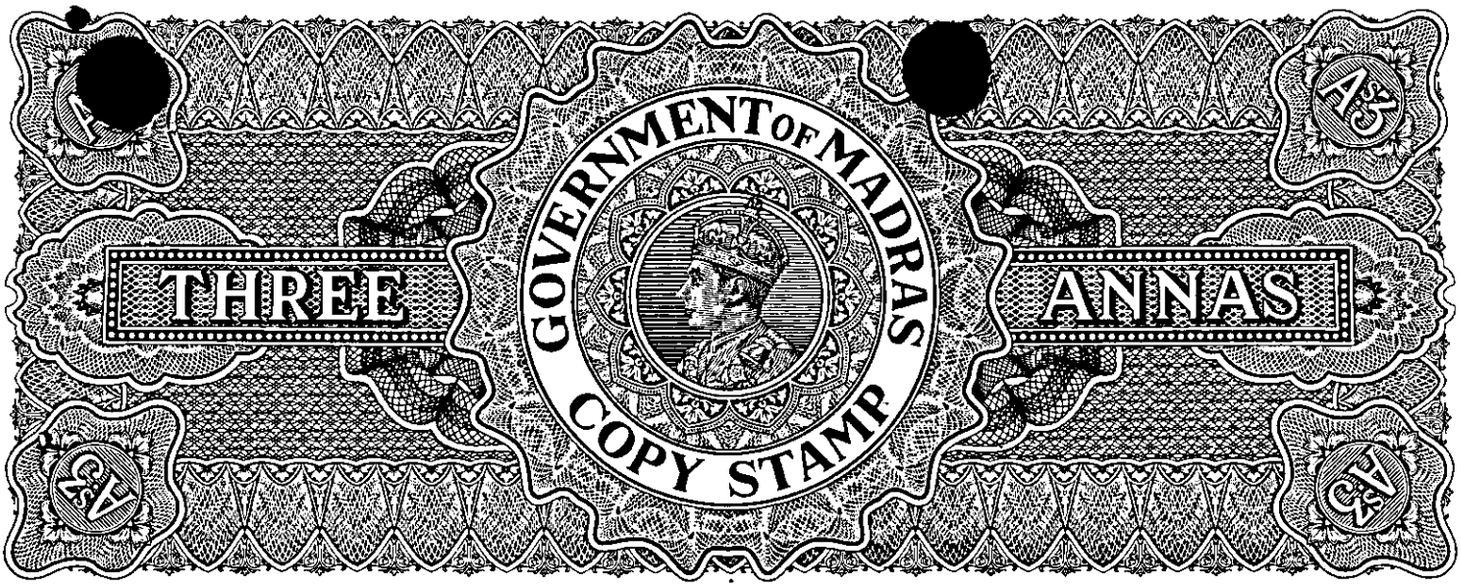
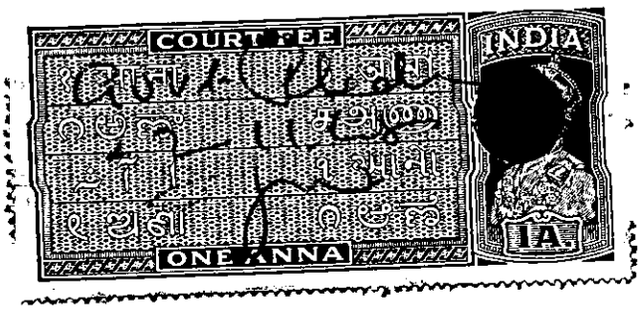
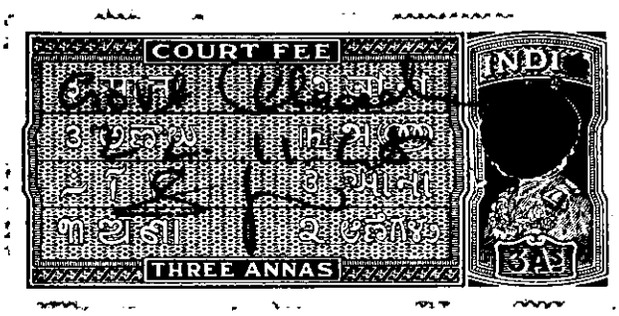


the current rate of interest on gilt-edged securities as a safe guide to the multiple to be ~~applied~~ applied to the annual profits on ryotwari land. The landlord in such cases not only expects to get a return on the capital invested in the land but also something in addition to that as compensation for his trouble in attending to the land and for the risks involved in the cultivation of land. Although the tenants may agree to pay him a fixed rent in money, yet if a full crop is not raised on the land either through failure of rain or because of pests or for any other reason it is extremely difficult for the landlord to realise the rent. For these reasons the landlord naturally expects an appreciably larger return than he would expect from gilt edged securities, which he leaves in the bank and for the realisation of the interest on which he is put to no trouble whatsoever."

With respect we agree entirely with

176 words.
TS.





these observations. In the case of Radhakrishna Chettiar (1948 (2) M.L.J. 159) it was not necessary to deal with the valuation of agricultural land. No decided case was brought to our notice in which forthe vabuatiom of such land a multiple of over 20 has been over adopted for capitalisation.

The learned advocate for the claimant contended that at least for the dry land which had been valued as potential building sites, the valuation may be made at more than 20 years' purchase. But these lands were ordinary dry lands at the time of the acquisition though they had a potential value as available for building purposes. We do not think that a different rule should be applied to these lands. We therefore agree with the learned judge in adopting 20 times the annuam net income as furnishing the correct value of the lands.

The appeals are allowed in part to the extent indicated above and dismissed otherwise. The parties will pay and receive proportionate costs in this court.

Sd. R.Jayram Iyyar.
6-11-48.
Dy Registrar. A.S.

240 we 2080 words.
10th and last page.
TS.

(True Copy)
M.V. Krishnamurthi 7-12-1948
Supdt of Copyists.

JUDGMENT

Appeals Nos. 608 and 679 of 1946.

Sd
Mr. 6/12
Jayram

7-12-1948
8-12-1948
Mr.

23-11-48

17-9-48

Sd
8

Dev

17

9/11

Memo No 100690 A II/48 - dt. 8/1/49

Sub: Suits — Agreement — Land acquisition — S. Kanara Dt Paddy Requisition Station Mangalore — A S nos 608 and 699/46 in the Madras High Court — Judgement

28/10/48

1/3-49 Ref Govt Memo No 100690 A II-1/48 dt 6-10-48

In continuation of the Govt Memo cited a copy of the judgement of the High Court in the ~~above~~ appeals mentioned above is hereunto forwarded to the D.A/Collector of S. Kanara

P.To

The D-A. is requested to expedite his reply to the Court Memo read above

RO.
6.1.49

To

The D.A.
(with enclosure)
Collr of S.Kanara.
(with a copy of
WA 9-26 of)

DW with Enclosure
RO
17

8721 19

AGRICULTURAL DEPARTMENT

From
R.N. Sundaram, Esq., I.C.S.,
Director of Agriculture,
Chepauk, Madras.

To
The Secretary to Government,
Development Department.
Madras.

No.K.2.1164/48 dated 21/1/49.

Sub:- Suits - Agricultural Department - Land acquisition South Kanara Dt. Paddy Breeding Station, Mangalore - A.S.No.608 and 679/46 in the Madras High Court- Judgment.

Ref:- 1) Govt.Memo.No.100690 AII/48-1 dated 6-10-48.
2) Govt. Memo.No.100690 AII/48-2 dated 8-1-49.

The report from the Collector of South Kanara is awaited. He is being reminded. My reply to Government will be submitted on receipt of his report.

(Sd) C.A. Srinivasa Ayyangar,
for Director of Agriculture.

/true copy/forwarded/by order/-

Gazetted Assistant.

N.R. 27/2/49

M.T.24/1/49.

AGRICULTURAL DEPARTMENT

From
R.M. Sundaram, Esq., I.C.S.,
Director of Agriculture,
Chepauk, Madras.

To
The Secretary to Government
Development Department,
Fort St. George, Madras.

X.3.142/49 dated 14th Feb. 1949.

Sir,

Sub:- Suits - Land Acquisition - South Kanara - Paddy Breeding Station, Mangalore - A.S. Nos.608 & 679/46 in Madras High Court.

Ref:- Government memo. No.100690 AIII/48-1 dated 6-10-1948.

I enclose herewith a copy of the financial implications involved on account of the judgement delivered at the High Court in the two appeals as furnished by the Revenue Divisional Officer, Mangalore.

2. I request that sanction may please be accorded to incur an expenditure of Rs.9,752-13-3. Provision has been made for this expenditure in my budget for the current year under "40-e-Agriculture - Experimental Farms - A - Agricultural Research Stations".

C.R. Srinivasa Ayyangar,
for Director of Agriculture.

Copy to Pulses Specialist, Lawley Road P.O.
Copy to District Collector, South Kanara, Mangalore.
Copy to Revenue Divisional Officer, Mangalore.
Copy to B. For inclusion in the material alteration statement.

True copy/ Forwarded/ By Order/

GAZETTED ASSISTANT.

N.S.MANI 15/2/49

Sub Judge's L.A.C.15 of 1945:

HIGH COURT APPEAL NO.679 of 1946:

Mahel Raghunath Nayak --- Appellant.

Versus

Revenue Divisional Officer and Collector of South Kanara. Respondent.

Increase in compensation as ordered by the High Court	3015-5-11
Interest on Rs.8,797-7-0 at 6% per annum from 26-3-45 to 30-4-46.	Already awarded by the Sub-Judge.
Interest on Rs.3015-5-11 at 6% per annum from 26-3-45 to 16-11-1948 as now ordered by the High Court.	658-5-7
Proportionate costs awarded to be paid by the Respondent to the Appellant.	238-4-0
Total:	3911-15-6

Sub Judge's L.A.C. No.15 of 1945:

HIGH COURT APPEAL No.608 of 1946:

Sri Laxmi Narasimha Devaru by Trustee M. Narayana Acharya Appellant.

Versus.

Revenue ~~Sub~~ Divisional Officer and Collector South Kanara. Respondent.

Increase in compensation as ordered by the High Court.	4,286	7	7
Interest on Rs.4,286-7-7 at 6% per annum from 26-3-45 to 16-11-1948 as ordered by the High Court.	935	14	0
Proportionate costs awarded to be paid by the Respondent to the appellant.	618	8	0
Total: Rs.	5,840	13	0

91-14-6
58-10-3 = 9
9752-13-3

Total Financial implications by the High Court's Order in the 2 appeals. Rs. 9,752-13-3

/ True copy/ Forwarded/

N.S.Mani 15/2/49

Gazetted Assistant.

Special.
L.A.Case (Carrying Interest)
Ref: B1-17675-48

S. Kanara Collector's Office,
Mangalore, dated: 15-2-1949.

17933

From

Sri N.C.Thomas, B.A.,
Collector of South Kanara,
Mangalore.

To

The Director of Agriculture,
M a d r a s.

Sir,

LAND ACQUISITION: Mangalore Taluk - Jeppinamogru village - Paddy breeding station - A.S.Nos.608 and 679/46 in Madras High Court - Judgment - Report.

Ref: 1. From the Government of Madras Memo No.10090-A-II 48-1 dated 6-10-1948.
2. Your X-2-1164/48 dated 26-11-1948.
3. From the Revenue Divisional Officer Mangalore Ref: C.No. 3814-47 dated 7-2-49

In cancellation of the statement sent by the Revenue Divisional Officer Mangalore with his reference cited above a revised statement showing the financial implication involved on account of the modification by the High Court of the decrees of the Subordinate Judge South Kanara in the Land Acquisition proceedings mentioned above is enclosed. Please make immediate arrangements for the payment of the same.

Yours faithfully,

1/2 For Collector.

Copy with a copy of the statement to the Secretary to the Government of Madras Development Department, Madras.

Statement showing the financial implications involved on account of the modification by the High Court of the decrees of the Subordinate Judge South Kanara in A.S.608 and 679/46 of the Madras High Court.

* * * *

A.S.No.608/46.

1. Enhanced compensation. ...		Rs.4286- 7- 7.
2. Interest on Rs.4286-7-7 at 6% per annum from 26-3-45 till 16-11-48)		" 936- 9- 2
3. Court costs awarded against the Government		618- 8- 0
4. Pleader's fees (including junior's fees)		336- 5- 3
Total	Rs.	6177-14- 0
5. Deduct costs due to the Government.	"	69-12- 6
Net	"	6108- 1- 6

A.S.679/46

1. Enhanced compensation		3015- 5-11
2. Interest on Rs.3015-5-11 at 6% per annum from 26-3-45 to 16-11-48		658-13- 8
3. Court costs awarded against the Govt.		238- 4- 0
4. Pleader's fees (including juniors' fees)		1120- 4- 0
Total	Rs.	5032-11- 7

	5032-11- 7
5. Deduct costs due to government	1046- 4- 0.
Net	3986- 7- 7

S.Kanara Collector's Office,)
Mangalore, dated: 15-2-1949.)

2/2 For Collector.

16/2

27

19175

SPECIAL.

AGRICULTURAL DEPARTMENT.

From

R.M. Sundaram, Esq., I.C.S.,
Director of Agriculture,
Chepauk, Madras.

To

The Secretary to Government,
Development Department,
Madras.

No. X-3- 142/49 dated 19-2-49.

Sir,

Sub:- Suits - Land Acquisition - South Kanara - Paddy Breeding Station, Mangalore - A.S.Nos. 608 and 679/46 in Madras High Court.

Ref:- 1) Government Memorandum 100690 AII/48-1, dated 6-10-48.
2) My letter X-3-142/49 dated 14-2-49.

The Collector of South Kanara has requested that the statement of financial implications furnished by the Revenue Divisional Officer, Mangalore be cancelled. He has furnished a revised statement. A copy of his letter and the statement are enclosed. The total additional expenditure involved as per the Collector's statement works out to Rs.10,094-9-1 as against Rs.9,752-13-3 reported by the Revenue Divisional Officer and the difference is due to the inclusion of pleaders fees payable by Government after deducting costs due to Government. I request that the above expenditure may kindly be sanctioned urgently in order to avoid further interest charges.

(SD) C.R. SRINIVASA AYYANGAR?
for DIRECTOR OF AGRICULTURE.

True Copy/Forwarded/By Order

Gazetted Assistant.

HGT:19-2-49.

29

Office of the Director of Agriculture,
Madras, dated 19th February, 1949.

Copy of Special L.A.Case (Carrying Interest) Ref:B1-17675-48 dated 15-2-1949 from the Collector of South Kanara, Mangalore to the Director of Agriculture, Madras.

Sub:- LAND ACQUISITION: Mangalore Taluk - Jeppinamogru village - Paddy breeding station - A.S.Nos.608 and 679/46 in Madras High Court - Judgment - Report -

Ref:- 1) From the Government of Madras Memorandum No. 100690-A-II/48-1 dated 6-10-1948.
2) Your X-2-1164/48 dated 26-11-1948.
3) From the Revenue Divisional Officer, Mangalore Ref: C.No.3814-47 dated 7-2-49.

.....

In cancellation of the statement sent by the Revenue Divisional Officer, Mangalore with his reference cited above a revised statement showing the financial implication involved on account of the modification by the High Court of the decrees of the Subordinate Judge South Kanara in the land Acquisition proceedings mentioned above is enclosed. Please make immediate arrangements for the payment of the same.

Copy with a copy of the statement to the Secretary to the Government of Madras Development Department, Madras.

Statement showing the financial implications involved on account of the modification by the High Court of the decrees of the Subordinate Judge South Kanara in A.S. 608 and 679/46 of the Madras High Court.

****

A.S.No. 608/46.

1. Enhanced compensation.	...	Rs.4,286--7--7
2. Interest on Rs.4,286-7-7 @ 6% per annum from 26-3-45 till 16-11-48.	...	Rs. 936--9--2
3. Court costs awarded against the Government.	...	Rs. 618--8--0
4. Pleader's fees (including junior's fees).	...	Rs. 336--5--3
Total.	...	Rs.6,177-14--0
5. Deduct costs due to the Government.	...	Rs. 69-12--6
Net.	...	Rs.6,108--1--6

A.S. No.679/46.

1. Enchanced compensation.	...	Rs.3,015--5-11
2. Interest on Rs.3,015-5-11 @ 6% per annum from 26-3-45 to 16-11-48.	...	Rs. 658-13--8
3. Court costs awarded against the Government.	...	Rs. 330--4--0
4. Pleader's fees (including juniors' fees).	...	Rs.1,120--4--0
Total.	...	Rs.5,032-11--7
5. Deduct costs due to Government.	...	Rs.1,046--4--0
Net.	...	Rs.3,986--7--7

6108-1-6
3986-7-7

-/ True Copy /-

for DIRECTOR OF AGRICULTURE

HGT.19-2-49.

25580

AGRICULTURAL DEPARTMENT.

A2

From

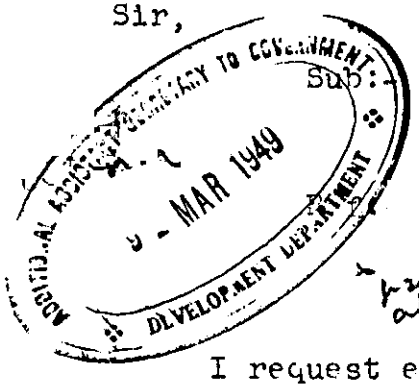
R.M. Sundaram Esq., I.C.S.,
Director of Agriculture,
Chepauk, Madras.

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

M. X.3. 142/49 dated 8th March 1949.

Sir,



Sub:- Suits - Land acquisition - South Kanara - Paddy Breeding Station, Mangalore. A. S.Nos. 608 and 679/46 in Madras High Court.

(1) Government Memorandum 100690 AII 44-1, Dated 6-10-48.
(2) My letter M-3-142/49, dated 14-2-49.and 19-2-49.

-----X-------

I request early sanction as interest charges accrue.

C.R.Srinivasa Ayyangar.
For Director of Agriculture

/True Copy/
Forwarded/By Order.

8/3/49
Gazetted Assistant.

pa/8-3-49.

The Agriculture

Dev Dept

14/3

33

Sub:- Agri - Stations - South Kanara Paddy Breeding station - Jeppinamogaru village - Mangalore Taluk - Acquisition of lands - A.S.Nos. 608 & 679/46 - In the Madras High Court - Additional expenditure - Sanctioned

Ref:- G.O. No. Ms. 1134, Dev, dt 16/6/43 (Kadaganchi)

G.O. No. Ms. 232, Dev, dt 21.1.47

Read also:- From the Govt. Pleader No 939 dt 17.9.48

" " 1290 dt 17.12.48

" T.A. No. X3.142/49 dt 2.49

G.O. No. Ms. 1331 dt 14.3.49

Sanction is accorded to the A.A.G. to incur an additional expenditure of not exceed- ing Rs. 10,094/- (Rupees ten thousand and ninety four only)

P.T.O.

to meet the increased compensation, interest charges and pleaders fees etc. ~~in connection with the acquisition of land for the Paddy Breeding Station, mangalore~~ in pursuance of the decision of the High Court of Madras in O.S. Nos. 608 & 679/46 over and above the total expenditure of Rs. 50,456-6-2 ~~hitherto~~ hereto sanctioned in the G.Os cited for the acquisition of lands for the Paddy Breeding Station, Mangalore

2. The expenditure should be debited to 40C. Agri – Experimental Farms & Agrl. Research Stations – ~~Contingencies~~ contingencies – charged – Purchase of live & deadstock & cost of land

3. The D.A. is requested to arrange to pay the amount in the Court immediately & at any rate not later than the close of the official year 1948-49

4. The A.G. is requested to

Form 2, P. 21

To
The D.A.
The Bd. of Re
The Collector
Kanara
The D.A-C
mangal
The A.G. (T
I S C

P.T.O.

admit the expenditure in audit pending provision of funds.

Ref.Bl.17675-48.

S.Kanara Collector's Office,
Mangalore dated 15.3.49.

From

N.C.THOMAS, ESQ.
Collector of South Kanara

To

The Government Pleader,
M A D R A S.

Sir,

LAND ACQUISITION: Mangalore Taluk--Jeppinamogru village--paddy breeding station--A.S.Nos.608 and 679/46 in Madras High Court--paym nt of Pl-ader's fees.

Ref: 1.Your No.1315 dated 29.12.48 and
2.Your No.215 dated 28.2.49.

29921

The contingent bill for Rs.(1160-4-0) one thousand one hundred and sixty and annas four only received with your reference cited 1st above is returned herewith after countersignature. The necessary certificate has also been recorded in the bill.

Yours faithfully,

For Collector.

Copy to the Accountant General, Madras.
Copy to the Secretary to the Government of Madras, Development Dept. Madras.
Copy to the Revenue Divisional Officer, Mangalore.
Copy to the Director of Agriculture, Madras.

Ref.B1.:17675/48

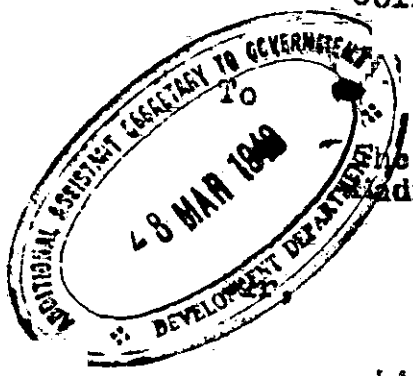
South Kanara Collector's Office,
Mangalore, dated 15- 3- 1949.

From

R.C. Thomas, Esq.,
Collector of South Kanara, Mangalore.

To

The Director of Agriculture,
Madras.



LAND ACQUISITION - Mangalore Taluk - Jeppinamogru village - Paddy breeding station - A. S.No. 608 and 679/46 in Madras High Court - Judgment - Report.

Ref:- Your X.2- 1164/48 dated 26-11-1948 and
2)This office Ref.B1. 17675/48 dated 15-2-1949

In this office reference cited above you were informed that the pleader's fees in A.S.No. 608/46 was Rs. 336-5-3 and that the net financial implications of the suit amounted to Rs. 6,108-1-6. The Government Pleader has now informed me that the pleader's fees in A.S.No. 608-46 amounted to only Rs.40-0-0. As such the net financial implications involved in the suit amount to only Rs. 5811-12-3 and not Rs. 6,108-1-6 as shown in this office reference referred to above. Please note these corrections in the copy of the reference received by you.

Yours faithfully,

FOR COLLECTOR.

Copy to the Secretary to the Government of Madras, Development Department, Madras.
Copy to the Rev.Divl.Officer, Mangalore.

#40

Draft

To A.S. Please see the letter from the Collr of S. Kanara dt 4.4.1-3 above. No action is called for, as the amount does not exceed the amount sanctioned in G.O. No. 1331, Dev, dated 14/3/49. This may be looked & added to the papers at (W).

27-3-49

43

Agrl Dept

Sub. Suits – Agrl Dept – Land acquisition – South Kanara Paddy Breeding Station Mangalore – A S No. 608 and 679/46 in the Madras High Court – Judgement

CV0100690 A II/48

Ref. From the Govt Pleader No. 934 dt 17-9-48
Govt Memo No. 100690 A II/48-1 dt 6-10-48
From the Govt Pleader No. 1290 dt 17-12-48

To A S

In 1945 an extent of 25 acres 10 cents of wet, garden and dry lands was acquired by the R.D.O Mangalore in the Tappinamogaru Village, Mangalore Taluk, South Kanara dt. The acquisition was for the Agrl dept to open a Paddy breeding Station. The Govt have also sanctioned a total expenditure of Rs 50,456-6-2 on the acquisition of land, payment of increased compensation awarded by the Subordinate Judge South Kanara, legal charges etc. The L.A. Officer adopted the method of capitalising the annual rent of the land for the award of compensation which method was also adopted by the

P.T.O

Subordinate Judge South Kanara
in awarding increased compensation
To Two among the other claimants in
the L.A proceedings appealed to
the High Court against the order ¶ 10 of ¶ 10 CF
of the Subordinate Judge, South
Kanara for a higher valuation
of the wet and dry land. The High
Court has modified the decree of
the lower court in these two
cases by allowing compensation
calculated on the basis of a
mura price being Rs 10 and the ¶ 1 CF
rent of the dry land being Rs 75
per acre as against the rate of
Rs 9-5-6 per mura and Rs 60 — P on ¶ 10 CF
per acre respectively adopted
by the Subordinate Judge,
South Kanara. A report has
already been called for from ¶ para 1 on
the Collector of South Kanara ¶ 3 CF
through the D. A. regarding
the financial implications
involved on account of the
modification by the High
Court of the two decrees in
question. The D.A. has also been ¶ para 2 on
asked to apply for Govt Sanction ¶¶ 3-4 CF
to meet the additional expenditure
if any, on account of the decision
of the High Court in the Two Suits
A copy of the judgement at
pp 9-26 C may be forwarded
to the Collector of South Kanara
and the D. A. The latter may

Rev Dept

Sub: Suits – Agrl Dept – Land acquisition – South Kanara Paddy Breeding Station Mangalore – A S No 608 and 679/46 in the Madras High Court – Judgement

NO/100690 A II/48

Ref. From the Govt Pleader No 939 dt 17-9-48
Govt Memo No 100690 A II/48-1 dt 6-10-48

From the Govt Pleader No 1290 dt 17-12-48

To A S

In 1945 an extent of 25 acres 10 cents of wet, garden and dry lands was acquired by the R.D.O Mangalore in the Jappinamogaru Village, Mangalore Taluk, South Kanara dt. The acquisition was for the Agrl Dept to open a Paddy breeding Station. The Govt have also sanctioned a total expenditure of Rs 50,456-6-2 on the acquisition of land, payment of increased compensation awarded by the Subordinate Judge, South Kanara, legal charges etc. The L.A. Officer adopted the method of capitalising the annual rent of the land for the award of compensation which method was also adopted by the

P.T.O

~~has~~ asked to submit this reply to the memo at pt. 3-4 cf at an early date

The draft letter is for alteration, if

6.1.49

pt 17-18 cf — 4. Received as enc. 100690 AII/48-2 dt 8/1/49 from

pt 21-23 cf — 5. From the D. A. No. X-3-142/48 dt 14-2-49

pt 25-26 cf — 6. From the Collr of S. Kanara No. B-1-17675/48 dated 15-2-49

pt 27-28 cf — 7. From the D. A. No. X-3-142/48 dt 19-2-49

pt 2 cf — To A.S. Notes from pt. 1 above, the memo at pp. 17-18 c.F. & the letters at pp. 21-29 may be perused. The D. A. has requested that an additional expenditure of Rs. 10,094-9-1 may be sanctioned in view of the judgment of the High Court modifying the decree of the Subordinate Judge. The D. A. states that he has made provision for this expenditure in the budget for the current year under No. C. Agn — Experimental farms — A. Agrl. Research Stations. The expenditure of Rs. 10,094-9-1 may be sanctioned ~~For may see for remarks~~ The draft order below is 27/2/49 for approval. File may be for acceptance

28/2/49

1/3

~~DA~~ F.C.

1/3 pm

ASST. SECRETARY TO GOVERNMENT
13789A
8 MAR 1949
FINANCE DEPARTMENT

DW No. 100690 AII/48-3
2/3/49

Finance (Accounts) Deptt.

Arising out of the references to the Court of the Subordinate Judge, South Kanara on the acquisition of certain lands required for the Agricultural Department, two appeals were filed in the High Court for the grant of enhanced compensation. The High Court allowed the appeals and the parties were directed to pay and receive proportionate costs in the court. The Director of Agriculture, in consultation with the Collector of South Canara, has furnished a statement showing the financial implications - see pp.27 to 29 C.F. It will be seen that the net cost payable by the Government (including pleaders' fee) awarded by the Court comes to Rs.10,094-9-1. The D.A. has stated that provision has been made for this expenditure in the current year's budget under "40-c. Agriculture - Experimental Farms - A.Agricultural Research Stations."

2. Any sums required to satisfy award of any court is an expenditure charged on the revenues of the Province. But there is no provision under "Charged" in the Agriculture Budget for 1948-9 save a small sum of Rs.3,300 under "40-d. III - Excluded Areas". Out of this, there is only a saving of Rs.1,600. Hence it will not possible to make re-appropriation under this grant for meeting the entire expenditure referred to in para 1 above. The necessary additional provision of Rs.8,500 in round sum will have to be included in the supplementary statement of expenditure for 1948-49 under "Charged". As the note for the supplementary statement has to be sent to the Press without further delay, necessary additi made in this Department to the note already sent by Devt.

3. Development may be requested to modify the draft order suitably and to issue specific instructions that the amount should be paid in the court immediately and at any rate not later than the close of the current year. The A.G. may be asked to admit the expenditure in audit pending provision of funds.

8.3.49

8.3.49

8.3.49

8.3.49

B.E.H.

B.G.

MAR 1949

DEVELOPMENT BUDGET

Dev Dept.

Sub: Land Acquisition - Mangalore Taluk Jeppinamogar Village - Paddy Breeding Stn - A S Nos 608 and 679/4b in Madras High Court - Payment of Pleaders fees

C No 100690 A1/48 Dev Dept 5

39/1948 To A.S. Please see the Fin Dept's note at p. 4 above with reference to para 3 on p. 4 above, the draft order has been suitably amended in pencil. Pl orders whether it may issue.

W 13/4/48
871
10349

2/13 Apr
DS

WK
14/3

× Issued
1433-35 C

H.D. (Agl) (A1)

Vdf 3

WK

Issued as G.O. Ms. No. 1331, Dev dt. 14/3/48.

Mangalore - The details for the additional copy of Rs 10,094-9-1 are given at X on p 25 C of the G.O ibid. It would be seen that Rs/Pleaders fees in the two suits were computed as follows:-

	Rs. As. P.
A S No 608/46	336-5-3
A S No 679/46	1120-4-0
	1456-9-3

CNo 100690 A11/48 dcw Dept 5

39/3/49 To A.S. Please see the Fin. Dept's note at N. 4 above with reference to para 3 on N. 4 above, the draft order has been suitably amended in pencil. Fr orders whether it may now

W 10/3/49
8/11
10349

2 13 Sept
DS

WR
14/3

x Email
1433-35 Cf

H.M (Adj) (Ai) x

VG/3

Issued as S.I. No 1331, dated 14/3/49.

WR/WR

Dev Dept.

Sub: Land Acquisition - Mangalore Taluk
Jeppinamogar Village - Paddy
Breeding Stn - A S Nos 608 and 679/46
in Madras High Court - Payment
of Pleaders fees

Ref: (i) From the Collector of S. Kanara
to the Govt Pleader, Madras
Lr No B1. 17675-48 Dtd 15.3.49
(ii) From the Collr of S. Kanara
to the DA Lr No B1. 17675-48 Dtd
15.3.49

To AS

Please see the letters in the Cf.
3-3-49 (W) Sanction Govt GO No 1331 Dev Dtd 14.3.49, the Govt sanctioned an additional amount of Rs 10,094-9-1 to meet the increased compensation, interest charges, and pleaders fees etc in pursuance of the decision of the High Court, Madras in A S. Nos 608 and 679/46 over and above the total expenditure of Rs 50,450-6-2 previously sanctioned ~~was accorded~~ for the acquisition of lands for the Paddy Breeding Stn, Mangalore. The details for the additional expr of Rs 10,094-9-1 are given at X on p 25 Cf of the G.O ibid among ~~it~~ items It would be seen that the pleaders fees in the two suits ~~were expected~~ are as follows:-

	Rs. As. Ps
A S No 608/46	336-5-3
A S No 679/46	1120-4-0
	1456-9-3

2/8

The collector of S. Kanara in his letter to the DPI on p3 of C.F. has started that the pleaders fees in AS NO 608/46 amounts to only Rs ~~1160-4-0~~ 40 ~~as detailed below~~ and not Rs 336-5-3 as stated by him earlier. The total pleaders fees in the two suits therefore works out to Rs 1160-4-0 as against the sum of Rs 1457-9-3 sanctioned in GO NO 1331 dtd dtd 14.3.49. As the revised fees is well within the sanctioned amount, no action is called for on the part of Govt with reference to the letter in the C.F. The papers may be lodged and added to ~~W~~ after perusal by Fin For orders.

Yusuf
Jm

6/4/49

Finance(Rev)

Maybe perused and returned to Dev no. 31066 A11/491

6/5/49

Dept
DR
7.5.49
7/5/49

C&R
7/5/49

DS
Rev
9/5/49

SENIOR ASSISTANT SECRETARY, FINANCE DEPARTMENT
6 MAY 1949
B0073
GOVERNMENT OF MADRAS

Rev ... Dno A.A 7/5/49

29737

Rev

To Fin

RP

Fin No. 30073 Rev-1

please see notes from plaintiff's
2/- Dno may be sent to C&R 9.5.49

Dev this Dept M/s the pleaders in Dev. 9.5.49
50985

DN
10/5/49

11/5/49

10/5/49

Dev

Dev.

Rev-2-29737

13-5-49

Sec Dept. 5

To A.S. Please see the notes from M.I above.
No further action is pending on this file.
May be closed and added to the papers at

(W)
16.5.49

8/16/49

2
17.5.49